



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435



Public Notice

APPLICATION NO.:	ADS-MVK-2004-1177
EVALUATOR:	Mr. Arel Simpson
PHONE NO.:	(601) 631-5996
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	December 17, 2004
EXPIRATION DATE:	January 7, 2005

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Trey, LLC
Post Office Box 320188
Jackson, Mississippi 39232

Name of Agent:
Mr. Ben Summerlin
C-K Associates, LLC
17170 Perkins Road
Baton Rouge, Louisiana 70810

Location of Work: Section 33, T4N-R2E, latitude 32°08'46.7" longitude 90°06'14.8", within the Pearl River drainage basin, Rankin County, near Florence, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to place dredged and/or fill material in other waters of the United States associated with industrial development of property along Steen Creek.

Steen Creek, a perennial stream, flows through the property from the southeast to the northwest. A portion of Steen Creek would be relocated northeast of its original location. The relocated stream would be designed to reflect the sinuosity of the original stream.

The proposed project would relocate 1,214.63 linear feet of Steen Creek. Approximately 0.88 acre of other waters of the U.S. would be impacted by this project. There are no wetlands on the project site. Approximately 27,000 cubic yards of on-site borrow material would be excavated in the relocation of this portion of Steen Creek.

The new channel for Steen Creek would be completed prior to filling the old channel. The borrow material from the new channel would be temporarily deposited on the west side of the new channel. Upon completion of the new channel, an earthen plug would be placed in the old channel and removed from the new channel to force Steen Creek to flow through the new channel. The borrow material would then be placed in the old Steen Creek channel.

The new Steen Creek channel banks would be stabilized using native vegetation. Some of the existing vegetation would be transplanted to the new channel banks. Additional native vegetation would be purchased to stabilize the banks. The applicant proposes a buffer zone of 50 feet in width on the east bank and 25 feet in width on the west bank, which would be assigned to Steen Creek across the entire property. The buffer zone would be protected with a land deed restriction.

The vegetation along the existing banks of Steen Creek consists of: Chinese privet, Japanese honeysuckle, American holly, water oak, eastern hop-hornbeam, sweet gum, swamp chestnut oak, American beech, horse-sugar, smooth elephant-foot, and other species.

A retention pond would be excavated east and adjacent to the new channel to assist with storm water overflow and flood storage. The retention pond would not adversely affect any jurisdictional waters of the U.S. The project would maximize the area southwest of Steen Creek for industrial development.

The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing and site grading requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Rankin County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be

expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

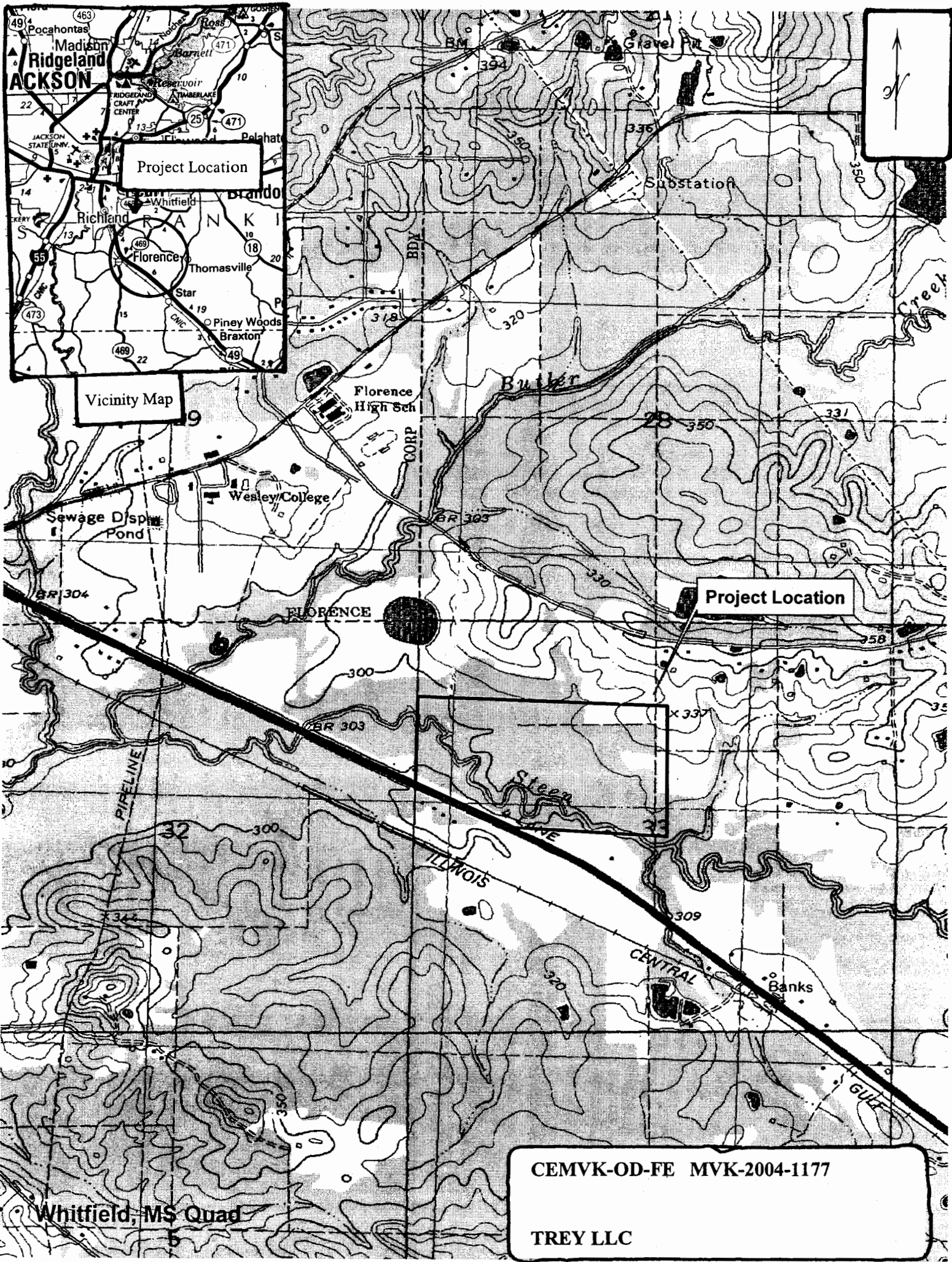
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

W. Harold Lee
Chief, Evaluation Section



Vicinity Map

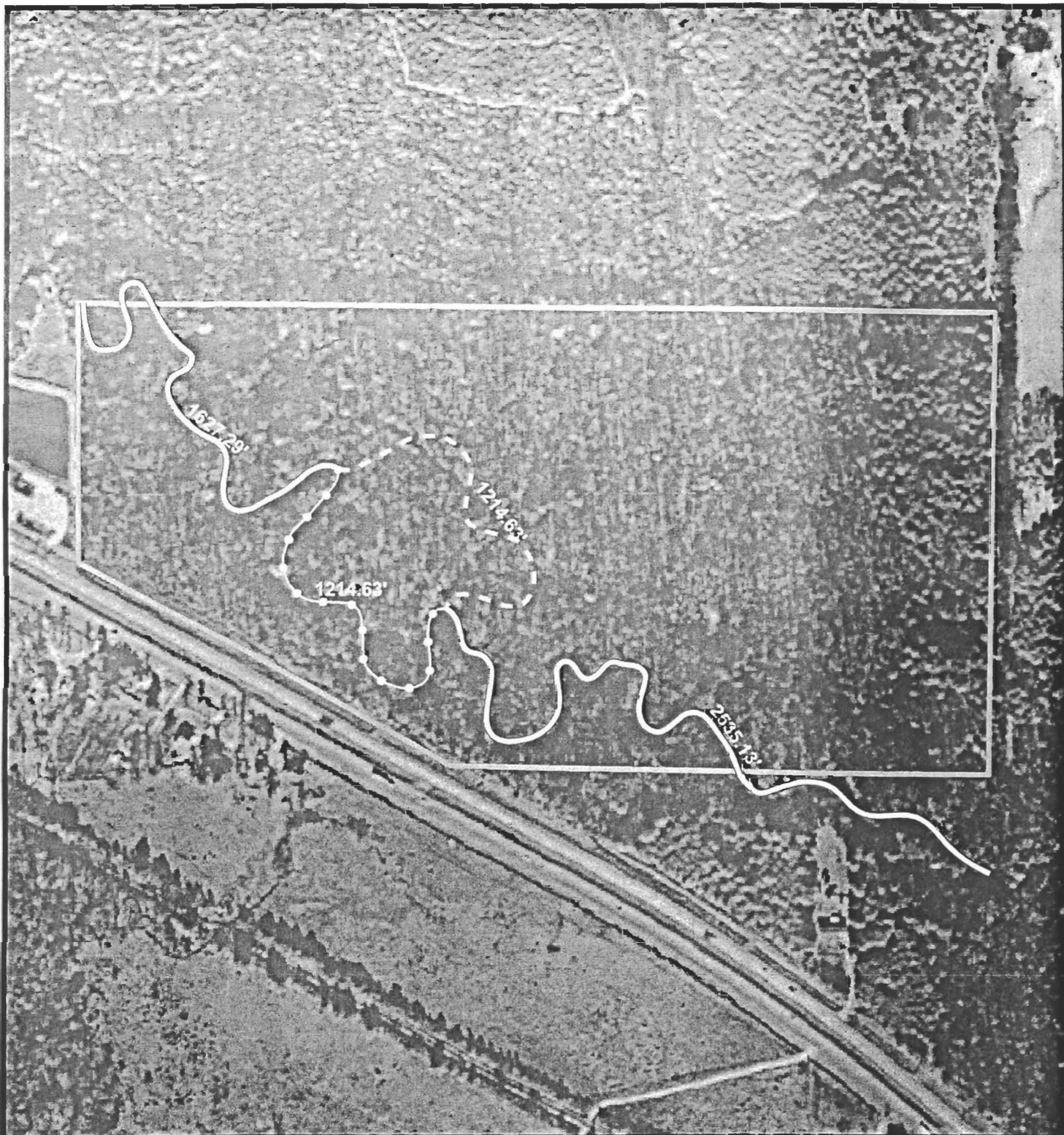


Project Location

CEMVK-OD-FE MVK-2004-1177

TREY LLC

Whitfield, MS Quad



Legend

- Steen Creek
- Existing to be removed
- Proposed to be excavated

Reference

U.S.G.S. DOQQ 3290b1 1996
Measured Units in U.S. Feet



Trey, LLC

Jackson, Mississippi

Section 404/10 Permit Application
Steen Creek Relocation

Proposed Stream Relocation Map

Rankin County

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TREY LLC